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Office of the City Attorney

September 14, 1995

The Honorable Reed Hundt
Chairman
Federal Communications Commission
1919 M Street, Room 814
Washington, D.C. 20554

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SEP. 19 1995

FCC MAIL ROOM

RE: Satellite Dish Rulemaking
IB Docket No. 95-59

Dear Chairman Hundt:

We are writing you to oppose your proposed rule to limit the applicability of local zoning and building codes to satellite dishes. Your proposed rule goes much too far and will lead to loss of life and damage to property. The safety of our children and the preservation of property is more important than being able to watch a few more TV channels.

Zoning and land use codes typically limit the structures that can be placed in a front yard so there is a clear vision distance. This allows drivers to see children running into the street, cars backing out of driveways, and the like. Do not give in to the television industry on this one and endanger the lives of our children. No preemption requirements should apply in front yards.

Satellite dishes can substantially reduce property values. This is another reason not to preempt zoning regulations for satellite dishes in a front yard. Your rule would allow people to place dishes in front yards so as to hurt their neighbor's property values, even if they could get adequate reception in the rear yard. If someone is going to take action that would hurt their neighbor's property values, appropriate landscaping requirements are necessary to minimize this. So again, do not preempt local zoning codes for satellite dishes in front yards.

You should not preempt building codes. These requirements are imposed solely to protect buildings and their inhabitants. The requirements can vary significantly from

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The Honorable Reed Hundt
September 14, 1995
Page 2

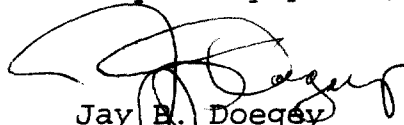
place to place depending upon the likelihood of hurricanes, tornadoes, large snow falls, earthquakes or winds. You should not preempt local regulations whose sole purpose is to protect the safety of lives and property, particularly when satellite dishes ballasted with thousands of pounds of weights are placed on top of a building.

Finally, you should not preempt the fees typically imposed by municipalities for permits and the like. Such fees are imposed in exactly the same fashion as the FCC does - to recover the costs of issuing permits, process applications and grant approvals.

If you believe such fees are an impediment to the information superhighway, the FCC should start first by waiving all its fees and requirements.

An original and one copy of this letter is being submitted to the Secretary in accordance with 47 C.F.R. §1.419(b). An additional five copies are being submitted to the Commissioners, and four copies are being served on the International Bureau.

Very truly yours,



Jay B. Doegay
City Attorney

JBD/bk

cc: Mr. William F. Caton (original and one copy)
Acting Secretary
Federal Communications Commission

Commissioner James H. Quello
Federal Communications Commission

Commissioner Andrew C. Barrett
Federal Communications Commission

Commissioner Rachelle B. Chong
Federal Communications Commission

Commissioner Susan Ness
Federal Communications Commission

The Honorable Reed Hundt
September 14, 1995
Page 3

Mr. Scott B. Harris
International Bureau
Federal Communications Commission

Mr. Thomas S. Tycz
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Federal Communications Commission

Ms. Fern J. Jarmulnek
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